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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,444	09/01/2000	Stephen Paul Brennan	CGTES.0143	5740

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/654,444

Applicant(s)

BRENNAN ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 2/15/02. Claims 1 - 24 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culli et al.

Regarding claims 1 – 4, 6 – 8, 10 - 15, 17 – 19, and 21 – 24 ,Culli et al. teach a local routing system and method implemented in an AIN environment that can also handle intra-LATA, inter-LATA, directory assistance-type calls, as well as calls involving interexchange carriers, international calls, etc., wherein after a call is originated, determining whether a called party is inside a local calling scope of the calling party and depending on whether the above is true or not and what the originating and terminating LATAs are after a comparison of both, selecting appropriate carriers for the call, whether the call is deemed to be a local call, intra-LATA call, or inter-LATA call. Culli et al. further teaches the use of customized calling plans to affect call routing read as the claimed "extended dialing plans." Inherent in the invention of Culli et al. are originating and terminating rate centers as claimed in the present invention so as to determine for example, whether or not a call should be free, or in the case when various billing rates

are invoked, how to correctly bill the call and furthermore, accessing these rate centers and their related databases or tables for the above purpose. This is accomplished via a classifier, a router, and a determiner and various filters, integrated into an AIN environment by analyzing the calling number and/or called number, as well as the originating and terminating NPA-NXX, if so desired. (Figs. 1, 2, 4, 5, 7 – 9, Col. 2, line 17 – Col. 3, line 47, Col. 5, line 17 – Col. 6, line 46, Col. 7, lines 37 – 64, Col. 9, line 53 – Col. 15, line 13, Col. 17, line 12 – Col. 24, line 48)

What Culli et al. do not teach is the local routing system and method being applied at the LEC level, but rather at a level once removed, i.e., a local service provider or a re-user of an LEC's equipment, lines, etc.

However, the system and method taught by Culli et al. may just as well be implemented in an LEC environment inasmuch as the system would substantially operate in the same way, achieving the same results and having the same motivation(s) therefor, and so it would have been obvious for one skilled in the art at the time the invention was made to do so. Moreover, Col. 15, lines 25 – 28 discuss the possibility of default routing control residing with the LEC and so it again could be obvious that the same methodology used in the local routing system of Culli et al. would also be applied thereto for perhaps continuities sake, or simply because LECs may recognize the advantages provided in a system and method such as that of Culli et al. As well, Culli et al. contemplates the routing and handling of calls ranging from local calls to toll calls to the ability to work with IXCs and Centrex/DID systems and therefore, it can again be

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argues that the system of Culli et al. does not only work in the CLEC/local service provider environment.

Also not taught by Culli et al. is the specific sequence of comparing NPANXX numbers and/or determining calling scopes before comparing LATAs. Instead Culli et al. teach the reverse, i.e., comparing LATAs and then comparing NPANXX numbers.

However, inasmuch as the end result of the above steps is the same, as well as having the same motivation making the above-discussed comparisons, it would be very obvious for one skilled in the art at the time the invention was made to have reversed the specific sequence of steps discussed above in the invention of Culli et al.

Furthermore, in Col. 19, lines 5 – 20, Culli et al. teach an operational flow of the invention wherein the system is able to determine that a call is an intra-LATA call **due to the identical NPAs**. From this, it could even be argued that Culli et al. does in fact teach **also**, the comparing of NPANXX numbers before comparing LATAs, in which case, Culli et al. reads directly on the instant invention.

With regard to claims 5 and 16, Culli et al. only mentions the use of NPA-NXX combinations.

However, as mentioned in the specification of the present invention, NPA-NXX-X combinations may need to be considered in the case of 1K pooling.

To integrate this feature into the invention of Culli et al. would simply be an obvious extension of function to include various types of calling/called numbers for which there is overwhelming motivation in the present state of the telecommunications arts.

With regard to claims 9 and 20, keys or shortened lds and the like are well known in the art and while Culli et al. does not specifically make mention of LATA keys, Culli et al. does make mention of routing lds and various other keys relating to the system used for locating or accessing various data tables as is very well known in the art, and it could be considered to be inherent or at the very least, obvious to one skilled in the art to use keys in the invention of Culli et al.

Response to Arguments

3. Applicant's arguments with respect to claims 1 - 24 have been considered but are moot in view of the new ground(s) of rejection.

However, in response to applicant's last argument regarding the reasoning behind comparing NPANXX numbers before comparing LATAs, see Col. 18, lines 48 – 60 wherein it is discussed how the distinction is made between local and intra-LATA calls and moreover that it is the comparing of NPANXX numbers that is used to accomplish this.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
July 23, 2002


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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